

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DEIRDRE MACNAMARA, *et al.*,

Plaintiffs,

-v-

THE CITY OF NEW YORK, *et al.*,

Defendants.

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No. 04 Civ. 9216 (RJS) (JCF)
ORDER

RICHARD J. SULLIVAN, District Judge:

Now before the Court is the parties' motion for preliminary approval of the class settlement. (Doc. No. 536 (the "Stipulation").) Unless otherwise defined herein, all capitalized words contained herein shall have the same meanings as they have in the Stipulation. The Court has reviewed the Stipulation and the Exhibits thereto, including the proposed (a) Settlement Class Notice; (b) Acceptance Form; and (c) Request for Exclusion Form.

IT IS HEREBY ORDERED THAT the Court preliminarily approves the Settlement, as embodied in the Stipulation, as being fair, reasonable, and adequate, and in the best interest of the class members, subject to further consideration at the Settlement Hearing to be conducted as described below.

IT IS FURTHER ORDERED THAT the Court will hold a settlement hearing (the "Settlement Hearing") on July 11, 2014 at 10:00 a.m. at the Thurgood Marshall United States Courthouse, 40 Foley Square, Courtroom 905, New York, New York, for the following purposes: (a) to determine whether the proposed Settlement, on the terms and conditions provided for in the Stipulation, is fair, reasonable, and adequate, and should be approved by the Court; and (b) to consider any other matters that may properly be brought before the Court in

connection with the Settlement. Notice of the Settlement and the Settlement Hearing shall be given to the individuals set forth in Exhibits B, C, and D to the Stipulation (“Class Members”) as set forth below.

IT IS FURTHER ORDERED THAT the Court (a) approves, as to form and content, the Claim Packet, attached as Exhibit A to the Stipulation, and (b) finds that the mailing and distribution of the Claim Packet (i) is the best notice practicable under the circumstances; (ii) constitutes notice that is reasonably calculated, under the circumstances, to apprise Class Members of the pendency of the Action, of the effect of the proposed Settlement, and of their rights to object to any aspect of the proposed Settlement, exclude themselves from the Settlement, and appear at the Settlement Hearing; (iii) constitutes due, adequate, and sufficient notice to all Persons entitled to receive notice of the proposed Settlement; and (iv) satisfies the requirements of Rule 23 of the Federal Rules of Civil Procedure. The date and time of the Settlement Hearing shall be included in the Claim Packet before it is mailed.

IT IS FURTHER ORDERED THAT, no later than May 23, 2014, the Administrator shall cause a copy of the Claim Packet, substantially in the form attached as Exhibit A to the Stipulation, to be mailed by first-class mail to Class Members. Class Counsel shall, no later than May 30, 2014, file proof, by affidavit or declaration, of such mailing.

IT IS FURTHER ORDERED THAT each Class Member must file a fully completed Acceptance Form or Request for Exclusion Form, in the manner set forth in the Claim Packet, or must submit an objection to the Court, no later than June 27, 2014.

IT IS FURTHER ORDERED any Class Member who wishes to object to the settlement may enter an appearance in this action, at his, her, or its own expense, individually or through counsel of his, her, or its own choice, by filing with the Clerk of Court and delivering a notice of

appearance to Class Counsel and Defendants' Counsel, such that it is received no later than June 27, 2014. Any Class Member who does not enter an appearance will be represented by Class Counsel.

IT IS FURTHER ORDERED THAT any Class Member who wishes to submit an objection to any aspect of the proposed Settlement may do so, and appear and show cause, if he, she, or it has any cause, why the proposed Settlement should not be approved; *provided, however,* that no Class Member shall be heard or entitled to contest the approval of the terms and conditions of any aspect of the proposed Settlement unless that Person has filed written objections with the Court and served copies of such objections on Class Counsel such that they are received no later than June 27, 2014.

Any objections, filings, and other submissions by the objecting Class Member (a) must contain a statement of his, her, or its objections, as well as the specific reasons for each objection, including the legal and evidentiary support the Class Member wishes to bring to the Court's attention. Any Class Member who does not make his, her, or its objection in the manner provided herein shall be deemed to have waived his, her, or its right to object to any aspect of the proposed Settlement, and shall forever be barred and foreclosed from objecting to the fairness, reasonableness, or adequacy of the Settlement or from otherwise being heard concerning the Settlement in this or any other proceeding.

SO ORDERED.

Dated: May 5, 2014
New York, New York



RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE